

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

THOMAS A. COLTHURST (CABN 99493)
Chief, Criminal Division

LAURA VARTAIN HORN (CABN 258485)
NICHOLAS WALSH (CABN 314290)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
Laura.Vartain@usdoj.gov
Nicholas.Walsh@usdoj.gov

NICHOLAS O. HUNTER (DCBN 1022355)
STEPHEN MARZEN (NYBN 2007094)
Trial Attorneys, National Security Division

950 Pennsylvania Ave., NW
Washington, DC 20530
Tel: (202) 353-3434
Fax: (202) 233-2146
Nicholas.Hunter@usdoj.gov
Stephen.Marzen@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 18-CR-00465 MMC
)	
Plaintiff,)	UNITED STATES' PROPOSED VOIR DIRE
)	QUESTIONS
v.)	
)	The Honorable Maxine M. Chesney
FUJIAN JINHUA INTEGRATED CIRCUIT)	Pretrial Conf: January 18, 2022, at 10:00 am
CO., LTD,)	Courtroom 7, 19 th Floor
)	
Defendant.)	

1 The United States respectfully submits the attached list of proposed questions for prospective
2 trial jurors in this trial during *voir dire*.

3 The United States is aware that the questions substantially overlap with the questions proposed in
4 the jury questionnaire filed separately with the Court today, but because the United States is uncertain
5 whether the Court will use a jury questionnaire, the overlapping questions have been kept in this
6 document. If a jury questionnaire is used in this case, the United States would withdraw any proposed
7 *voir dire* questions that overlap with the jury questionnaire to the extent that the Court believes that there
8 is no need to repeat questions in person.

9
10 DATED: January 4, 2022

Respectfully submitted,

11
12 STEPHANIE M. HINDS
United States Attorney

13
14 /s/
LAURA VARTAIN HORN
15 NICHOLAS WALSH
16 Assistant United States Attorneys

17 NICHOLAS O. HUNTER
18 STEPHEN MARZEN
Trial Attorneys, National Security Division

UNITED STATES' PROPOSED *VOIR DIRE* QUESTIONS

Knowledge of Trial Witnesses and Parties

1. The potential witnesses for the United States are as follows: [Read Witness List]. The potential witnesses for the defendant are as follows: [Read Witness List]. Based on that list of names or any other information that you possess, do you know anyone who may be involved in this case? If so, how?

2. Have you, any member of your family, or any of your friends ever worked for, been in litigation with, or done business with Micron Technology, Inc., or its employees, United Microelectronics Corporation or its employees, or the defendant, Fujian Jinhua Integrated Circuit, Co., Ltd. ("Jinhua"), or its employees?

3. Do any of you know defendant Jinhua's attorneys, Jack P. DiCanio, Matthew E. Sloan, and Emily Reitmeier, or anyone else at counsel table?

4. Do any of you know counsel for the United States, Laura Vartain, Nicholas Walsh, Nicholas Hunter, and Stephen Marzen, or FBI Special Agent Cynthia Ho, or anyone else at counsel table?

General Questions Regarding Jurors' Fitness to Serve

5. Have you ever served as a juror before?

a. If yes, were you a juror in a state or federal court?

b. What type of case was it?

c. Did you reach a verdict?

d. Based on that experience, is there any reason you could not give a fair and impartial trial to both sides in this case?

6. Do you have any personal, moral, or religious issues or problems with sitting as a juror in this case or with sitting in judgment of another person's conduct in a court of law?

7. Do you have any beliefs about the criminal justice process in this country that might make it difficult for you to be impartial in this case?

8. Does the nature of the charges cause you any difficulties such that you feel you could not be a juror in this case or that you could not be a fair and impartial juror to both sides?

9. Do you have any difficulties understanding English? Do you have any difficulties speaking

English?

Experience with Law Enforcement and Possible Biases

10. Have you, or any member of your family, or any close friend ever been a defendant in a criminal case or accused of a criminal offense?

a. If so, what were the circumstances?

b. Do you feel the matter was fairly handled?

c. Did the matter result in a trial being held?

d. Considering your feelings about that matter, do you feel you can be fair, objective, and impartial to both sides here?

11. Have you ever served in the military? If so, please explain.

12. Have you or any member of your family ever made a claim against the United States Government?

a. If so, please explain.

b. Do you feel you were treated fairly?

c. Is there anything about that experience that could affect your ability to be fair and impartial in this case?

13. Have you ever been the victim of, or witness to, a crime?

a. If so, please explain.

b. Did a case arise out of the circumstances, and if so, what happened in that case?

c. Did you testify in connection with the matter?

d. Do you have any feelings about that experience that would prevent you from being fair, objective, and impartial in this case?

14. Have you, or any close friend or family member ever been employed by any law enforcement officer or agency, including any United States Attorney's Office or other prosecuting authority?

15. Have you, or any close friend or family member ever had any other experience with any law enforcement officer or agency, including any United States Attorney's Office for the Northern District of California or other prosecuting authority?

a. If yes, what was that experience?

b. Would that experience make it difficult for you to be completely fair and impartial in weighing evidence in a criminal prosecution?

16. This case was investigated by Special Agents of the Federal Bureau of Investigation (“FBI”). You may hear testimony from these Special Agents or other employees of the FBI. The prosecutors are employed by the United States Attorney’s Office for the Northern District of California (“USAO”). Do you have any strong feelings, one way or the other, about the FBI or the USAO? Would you tend to believe the testimony of a person any more or less, simply because he or she is employed by the FBI? Have you or anyone you know ever had any contact or dealings with the FBI, USAO, or any representative affiliated with the FBI or USAO?

17. You will hear testimony from members of the Ministry of Justice Investigation Bureau (“MJIB”), Ministry of Justice, Republic of China (commonly known as Taiwan). Do you have any strong feelings, one way or the other, about the MJIB? Would you tend to believe the testimony of a person any more or less, simply because he or she is employed by the MJIB?

18. The United States and the defendant are entitled to a fair and impartial trial. Do you have any dislike, disfavor, or skepticism against the defendant or the federal government that would make it difficult for you to be wholly impartial in this case?

Experience with Law and Intellectual Property

19. Do you have any education, training, or other specialized knowledge in the area of law? If so, please explain.

20. Do you have any education, training, or other specialized knowledge about intellectual property, specifically trade secrets? If so, please explain.

21. Have you ever worked in a job that involved computer chips or semiconductors?

22. Do you have any personal experience with or feelings about intellectual property, and specifically trade secrets, that would interfere with you being a fair and impartial juror in this particular case? If so, please explain.

Experience with the People’s Republic of China and the Republic of China (Taiwan)

23. Is there anything about your experiences, opinions, or beliefs about the People’s Republic of China (commonly known as China), that could influence your ability to judge the facts of this criminal

1 case or the accused?

2 24. Is there anything about your experiences, opinions, or beliefs about the Republic of China
3 (commonly known as Taiwan), that could influence your ability to judge the facts of this criminal case
4 or the accused?

5 Role of a Juror

6 25. In our system of justice, defendants are presumed innocent until proven guilty. As jurors, you
7 will be instructed that the Government must prove the defendant's guilt beyond a reasonable doubt
8 before you can vote to convict. In a criminal trial, the jury is instructed to find a defendant "guilty" if the
9 Government's evidence is sufficient to prove defendant's guilt beyond a reasonable doubt, and "not
10 guilty" if the Government's evidence is not sufficient to prove the defendant's guilt beyond a reasonable
11 doubt.

12 a. Would that instruction be difficult for you to follow?

13 b. If the government proves the defendant guilty beyond a reasonable doubt, would you
14 hesitate to sign a verdict of guilty?

15 c. Is there any member of the prospective jury panel who feels that the government must
16 prove its case beyond all doubt, or to an absolute certainty, as opposed to beyond a
17 reasonable doubt?

18 26. This case may require that you make a determination as to a person's state of mind based on
19 evidence of that person's conduct, as well as a corporation's state of mind based on the statements and
20 actions of its agents, such as employees, agents, directors, and officers. Is there any reason why you feel
21 that you cannot or should not do that?

22 27. The judge will instruct the jury on the law at the close of the case. Would you have any
23 difficulty applying the law as it is given to you by the judge, even if you do not agree with it?

24 28. The potential punishment for the offenses charged in the indictment is a matter that should never
25 be considered by the jury in any way in arriving at an impartial verdict as to the guilt or innocence of the
26 accused. Can you put aside concerns about potential punishment in arriving at a fair and impartial
27 verdict in this case?

28 29. If the Court instructs you that your verdict must not be based on sympathy, passion, or prejudice,

1 but only on the evidence in this case, will you be able to follow that instruction?

2 30. Is there any other reason why you might not wish to sit as a juror or should not sit as a juror in
3 this case that the attorneys or the Court should know about?